

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

ANNIE MASON BENSON,)	
)	
Plaintiff,)	Case No. 8:10-CV-00497-JMC
)	
vs.)	
)	
SALLIE MAE, INC.)	
)	
Defendant.)	

JOINT MOTION TO STAY SCHEDULING ORDER
DEADLINES PENDING MEDIATION

Plaintiff, Annie Mason Benson (“Plaintiff”) and Defendant, Sallie Mae, Inc. (“Defendant”), by counsel, respectfully moves this Court to stay scheduling order deadlines pending a mediation session to be conducted by Magistrate Judge Kevin McDonald. In support of this Motion, the parties state:

1. On May 4, 2010, the Court entered a scheduling order in this case. [Docket No. 10]
2. The deadline for discovery in this matter is November 29, 2010, and such time has not expired.
3. The parties have agreed to schedule a mediation, and Magistrate Judge Kevin McDonald has agreed to conduct such mediation on November 29, 2010, the first date that the parties and Judge were available.
4. The parties have not yet completed discovery, but believe that continuing discovery while preparing for the mediation would be counter-productive, and that a stay of scheduling order deadlines would preserve the rights of the parties to conclude discovery should the mediation be unsuccessful.

5. This request is not made for any improper reason or to unnecessarily delay this Matter, but to maximize the possibility that the scheduled mediation would be successful.

WHEREFORE Plaintiff, Annie Mason Benson and Defendant, Sallie Mae, Inc., respectfully request that all discovery be stayed until further order, with all scheduling order deadlines to be recalculated should the mediation prove unsuccessful, with a new proposed scheduling order to be submitted by the parties within five (5) days after the last day of the mediation if unsuccessful in resolving the case, and all other proper relief.

Respectfully submitted,

By: s/ Penny Hays Cauley (with express permission)

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SALLIE MAE, INC.)	
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Defendant.)	

CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2010, a true and correct copy of the foregoing *Joint Motion To Stay Scheduling Order Deadlines Pending Mediation* was electronically filed with the Court using the CM/ECF system which will serve a copy upon the following counsel:

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